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The April 13, 2001 DNA legislative and media report is listed below.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems. Text of legislation can be obtained by following the appropriate state-link at this site: <http://www.ncsl.org/public/sitesleg.htm>. Please see the appropriate media website for the newspaper articles.

COMMENTS

A New York bill has been introduced to require DNA samples for all fingerprintable arrests, and a Michigan legislator will soon introduce a bill to require DNA samples from all convicted felons. Oklahoma has enacted legislation to expand the state's offender DNA database to include more felonies, and similar bills in Rhode Island and Nevada are progressing in the state legislatures.

President Bush's proposed budget would boost federal funding for forensic DNA testing. A "cold hit" in Florida's DNA database from a man convicted of burglary has solved a two-year-old rape. A missing / unidentified persons DNA database may be established in Texas, and Texas is also opening a new mitochondrial DNA testing lab.

In statute of limitation news, the California "John Doe" arrest warrant case is under consideration by the Court of Appeals, which has recently issued a stay.

A North Carolina bill would allow inmates greater access to post conviction DNA testing. The Virginia Governor is considering whether to veto a post conviction bill that was passed convincingly by the legislature, and the Texas Governor has signed similar legislation. A Nevada legislative committee is considering a study on post conviction DNA testing issues as part of a death penalty moratorium bill.

Post conviction DNA testing in Ohio and Tennessee is resulting in new trials for inmates, and a New Hampshire inmate may get additional post conviction DNA tests.

A call to create a Europe-wide DNA database received considerable coverage in international news. A recent "DNA dragnet" in Australia included DNA samples from 75 US servicemen. English legislation extends the statute of limitation for car theft in order to take advantage of DNA evidence. A German court has taken a conservative interpretation of the country's DNA statutes. A new DNA lab in New Zealand should be ready early next year.

STATE LEGISLATION

Forensic DNA

1. New York SB 4136 – Requires DNA samples to be taken from persons upon arrest if they are also required to submit fingerprints. Requires samples to be destroyed and expunged from the database if there is no conviction.
2. North Carolina SB 932 – Allows for post conviction DNA testing under certain circumstances.

Genetic Privacy

3. Iowa SCR 22 -- Requests the legislative council to authorize the personal privacy issues study committee to continue deliberations during the 2001 legislative interim. Study of genetic information would be included.
4. Minnesota SB 2283 -- Prohibits life, disability income, and long term care insurance from requiring genetic tests.

NEWS ARTICLES

1. "US servicemen gave DNA samples to police investigating sex attack." AP Worldstream, April 11, 2001.
About 75 U.S. servicemen (Air Force) have given DNA samples to detectives in Australia who are investigating a sexual assault. 100 samples have been collected in total.
2. "DNA link in hunt for Caroline's killer." The Guardian (London), April 11, 2001.
The prime suspect of a murder in France has been located in a Miami (Florida) prison. DNA tests have linked the man (a Spanish waiter) to the crime, but additional DNA tests will need to be completed since the US and France have different testing methods. The suspect was identified by a US immigration official who read of the case while vacationing in Britain, and subsequently checked federal files for the man's name. The victim's family has pressed for an international DNA database. If convicted of the crimes he committed in the US (burglary), the man would have been included on Florida's DNA database.
3. "Judge frees man convicted of rape and murder 19 years ago." The Associated Press State & Local Wire, April 10, 2001.
DNA tests and polygraph tests which have cast doubt's on a man's conviction of murder, and an Ohio judge has ordered the man to be released from prison pending a new trial. The man has been in prison for 19 years and was serving a life sentence.
4. "Bush's plans to scrap COPS program may threaten some officers' jobs." The Associated Press State & Local Wire, April 10, 2001.
President Bush's proposed budget cuts funding for the popular "COPS" program, but adds significant new federal funding for crime technology programs. Under Bush's proposed budget, technology grants would double to \$100 million, and calls for another \$255 million for crime lab improvements to upgrade record keeping and building up DNA information.
5. "Nevada Senate panel proposes death penalty moratorium." The Associated Press State & Local Wire, April 10, 2001.
The Chairman of the Nevada Senate Judiciary Committee has proposed legislation that would impose a two-year moratorium on the death penalty until a study can be done. The study would look at issues such as inmate access to post conviction DNA testing, among others.
6. No Title. The Associated Press State & Local Wire, April 10, 2001.
The Oklahoma legislature has enacted a bill that will expand the state's offender DNA database (to include most violent felonies).
7. "Senate Panel approves witness protection bill." The Associated Press State & Local Wire, April 10, 2001.
A Rhode Island bill to expand the state's offender DNA database to include all violent felonies has been amended in the Senate Judiciary Committee to only expand to violent felons.
8. "Governor signs bill to strengthen registry." The Associated Press State & Local Wire, April 10, 2001
The Oklahoma governor has signed a bill that will require law enforcement to preserve DNA evidence as long as the inmate tied to the evidence is incarcerated.
9. "Bill To Crack Down On Car Criminals Receives Royal Assent." Hermes Database, April 10, 2001.
In England, the Vehicles Crime Act has received "Royal Assent." Among other provisions, the bill would extend the time limit from six months to three years for bringing prosecutions for unauthorized taking of motor vehicles, to make use of advances in DNA.
10. "Mich. bill asks to sample all felons' DNA." University Wire, April 10, 2001.
Michigan legislators have introduced a bill to expand the state's offender DNA database to include all convicted felons. The bill's sponsors acknowledge that there will be some objections from the ACLU, but believe that the bill is worthwhile because it will, "keep as many innocents out of jail as it does put guilty people into them."

11. "Bill would require genetic marker analysis for Nevada felons." Associated Press State & Local Wire, April 9, 2001.
Nevada's Assembly Judiciary Committee has approved legislation that would require all convicted felons to provide DNA samples for the state's offender DNA database. The state intends to rely on federal funding to help offset the additional cost of expanding the DNA collection.
12. "DNA tests negate hair evidence in murder conviction." Chattanooga Times / Chattanooga Free Press, April 9, 2001.
In Tennessee, the only physical evidence against a man who has been on death row for 13 years has been invalidated through recent DNA testing. The evidence in question, a piece of hair, could not belong to the inmate according to DNA tests. A retrial is scheduled for later this year.
13. "Harris County set to open high tech DNA laboratory." The Associated Press State & Local Wire, April 8, 2001.
The Harris County, Texas, medical examiner's office will soon open a state-of-the-art mitochondrial DNA laboratory. The lab will be the first such noncommercial facility in Texas and one of only a few in the US. Equipping and staffing the new laboratory costly \$600,000, which was paid with grants.
14. "Fingerprint evidence facing court challenges An old superstar could soon take a backseat to DNA." The Sunday Gazette, April 8, 2001.
A recent Supreme Court ruling has "raised the bar" for scientific evidence, and some authorities believe that fingerprints will not be able to meet the new standard. The article speculates that such a void could be quickly filled by DNA evidence.
15. "Gov. Gilmore and DNA." The Washington Post, April 8, 2001.
The Virginia General Assembly has rejected amendments that the Governor made to the post conviction DNA bill passed earlier this year. The Governor is now considering a full veto of the measure. The General Assembly may have enough votes to override a veto.
16. "Judge rules against preserving evidence." The Fort Worth Star-Telegram, April 7, 2001.
A District Court judge has ruled that Fort Worth police does not have to preserve old DNA evidence so that the sons of an executed killer can have it examined. However, the judge agreed to uphold an injunction preventing police from destroying the old evidence until attorneys for the man's family have exhausted their appeals.
17. "MPs support DNA system." Western Morning News (Plymouth), April 7, 2001.
Two politicians in Europe have pledged to raise the issue of creating a European offender DNA database. One of the obstacles is that several countries use different testing methods that are not immediately comparable against one another. One of the politicians vowed to bring the issue to the agenda when the European Parliament discusses the "the Schengen (CORRECT) agreement which contains information on some 10 million people across the whole of Europe." "The fact that criminals can skip from one country to the next and not necessarily be cross-matched if they are tested for crimes in other countries is a loophole that has to be closed."
18. "German high court curbs use of genetic data in crime probes." AP Worldstream, April 6, 2001.
Germany's Federal Constitutional Court has thrown out lower court orders from last year that allowed the storage of DNA records on four men who were sentenced to probation for theft, causing bodily harm and buying drugs. The courts have already ruled that DNA profiles could be kept on only for serious crimes and if a judge decides that the offenders can be expected to commit further offenses.
19. "Texas gives inmates access to DNA testing." Chattanooga Times / Chattanooga Free Press, April 6, 2001.
The Texas Governor has signed into law a bill that allows inmates access to state-paid post conviction DNA testing. Authorities estimate that about 30 to 50 inmates per year will qualify for the tests, which cost will between \$1,000 and \$1,500 each.
20. "Kids program to include DNA." The Pantagraph (Bloomington, IL), April 6, 2001.

The Bloomington, Illinois Police Department's Copy Your Kids program will take DNA samples this year. The parents will keep the samples.

21. "Lab to speed crime solving." The Press (Christchurch), April 6, 2001.
A new \$ 3 million forensic DNA crime lab in New Zealand is expected to help speed up crime solving. The new lab should be completed by February of next year, and is expected to help clear the backlog of up to 900 samples from burglary or crimes without suspects. Police are currently waiting an average of three months for DNA analysis to be completed.
22. "DNA-Based Warrant Faces Appellate Review." The San Francisco Chronicle, April 6, 2001.
In California, the state Court of Appeal in Sacramento has asked for legal briefs from prosecutors and issued a stay in the case of a man who was charged with rape, even though the six-year statute of limitations had expired. Prosecutors had used a "John Doe" warrant in order to avoid the expiring statute of limitations. This case could be appealed all the way to the US Supreme Court.
23. "Caroline's family in DNA database plea." Western Morning News (Plymouth), April 6, 2001.
In France, the father of murdered schoolgirl has appealed for the French DNA database to be expanded, and has also called for a fully integrated European DNA database to stop criminals who may be "wandering the continent."
24. "Ex-Inmate's DNA Sample Leads To His Arrest In Rape Case." The Palm Beach Post, April 5, 2001.
In Florida, a man recently released from prison has been linked through the state's offender DNA database to an unsolved rape from 1998. The man's previous conviction was for burglary, which the legislature added to the state's list of offenders required to submit DNA samples just last year. "He was tripped up, they said, by science and the state legislature." As of March 31, Florida has solved 295 crimes through its DNA database.
25. "BU DNA expert says N.H. convict's test wasn't done right." The Boston Herald, April 4, 2001.
A Boston University DNA expert has said that convicted killer in New Hampshire deserves better-quality DNA testing than the inconclusive tests which were recently completed by a private lab. He said, "The data would not impress many scientists who do DNA work." The AG will not block further requests for testing, so long as the man's family pays for the tests. The man was sentenced to prison in 1973.
26. "Bill would make Fort Worth home to state DNA database." The Fort Worth Star Telegram, April 4, 2001.
Two measures pending in the state legislature would establish a missing and unidentified persons DNA database which would be operated out of the University of North Texas Health Science Center in Tarrant County, Texas. Funding to establish the new state database would come out of the state Victims of Crime fund.
27. "Thieves ransack school, leave evidence behind." The Indianapolis Star, April 4, 2001.
Police in Indiana are looking for thieves who stole materials from a school and caused \$4,000 in damage. The thieves cut themselves on glass that was shattered in the break-in, and police now have DNA evidence to match against suspects.

Genetic Privacy

28. "Bill would bar insurance companies from using genetic tests." The Associated Press State & Local Wire, April 11, 2001.
A bill in Oregon would prohibit life insurance companies from using genetic tests to determine who qualifies for coverage. 53 of the 60 representatives and 24 of the 30 senators have cosponsored the bill. Oregon was the first state to pass a comprehensive genetic privacy bill in 1995.
29. "Burlington Workers Want Test Ban." AP Online, April 10, 2001.
As part of a settlement agreement with unions, Burlington Northern has agreed to press for federal laws prohibiting companies from using genetic information in employment decisions. (It has recently been revealed that the company was forcing employees to undergo genetic testing for carpal tunnel syndrome, or was doing the testing without the employee's knowledge.)

30. "Senate panel endorses prohibition on requiring genetic testing." The Associated Press State & Local Wire, April 10, 2001.
A Minnesota bill to prohibit employers from requiring **genetic** testing of workers is on a "fast track" in the legislature. The overwhelming support for the bill was inspired by the Burlington Northern case.
31. "Experts see privacy threat from DNA testing." USA Today, April 10, 2001.
At a recent meeting of the National Human Research Protections Advisory Committee found that "while some may consider any genetic or medical information about themselves to be private, the availability of DNA testing means that little, if any, of it actually is."
32. "The risks of gene testing: Advances could deny medical insurance to many." Financial Times (London), April 7, 2001.
In England, Members of Parliament continue to ridicule insurance companies for seeking authority to use genetic testing information to discriminate against clients.

Paternity

33. "Birds & Bees; Paternity Testing Is Not Just About Genetics But Trust And Fairness." Los Angeles Times, April 9, 2001.
Discusses the emergence of cases where men are determined to not be the biological father of a child (through DNA testing), but are ordered to continue paying child support. There is a group in the US called the National Conference of Commissioners, which is pushing for legislation that would give parents two years after a child is born to question paternity.
34. "Decision breaks new ground in family law." The Associated Press State & Local Wire, April 9, 2001.
The Maine Supreme Court has ruled that a man who acted as parent for a child, but later found out through DNA tests that he is not the father, could still have a continuing relationship with the child.
35. "Gov't Urged To Conduct DNA Tests Of Possible African Offspring." China Post, April 5, 2001.
Taiwan's Overseas Chinese Affairs Minister has said that the government should conduct DNA testing on Africans who claim to be the offspring of members of Taiwan's agriculture missions stationed in Africa decades ago.